

AMENDED IN SENATE APRIL 30, 2003

SENATE BILL

No. 567

Introduced by Senator Torlakson

February 20, 2003

An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Torlakson. Local ordinances: penalties for violation.

Existing law provides with respect to city and county ordinances that the violation of an ordinance is a misdemeanor unless the ordinance makes it an infraction. A violation determined to be an infraction is punishable by a fine not exceeding \$100, by a fine not exceeding \$200 for a 2nd violation of the same ordinance within one year, and by a fine not exceeding \$500 for each additional violation of the same ordinance within one year.

This bill would ~~double the maximum amounts of those fines~~ specifically provide that the violations of local building and safety codes are punishable by a fine of \$100 for a first violation, a fine of \$500 for a second violation of the same ordinance within one year, and a fine of \$1,000 for each additional violation of the same ordinance within one year.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the following circumstances are present in many areas of California:

(a) Code enforcement continues to persist as a problem for cities and counties and multiple local agency departments devote personnel to code enforcement efforts.

(b) Code enforcement has become and remains a necessity as rural areas are becoming more urbanized. With the increase in population, citizens formerly living in rural areas are now seeing their communities becoming increasingly developed and urbanized. With these changes comes the expectation from the citizenry for better property upkeep, which requires more action from code enforcement.

(c) Increases of the California Price Index have nearly doubled since 1983 and a correlating fine value, based on a \$100 fine in 1983, would need to be \$194.92 to have an equivalent value in 2001.

(d) In pursuit of better code enforcement case resolution, enforcement has found that many violators now pay the fine but do not resolve the code violation.

(e) Local agency records further indicate that after all the initial fines, many owners of problem properties revert back to their same practices in a short amount of time. Increased fines will help deter those individuals from letting their properties revert back to an unkempt state or using the property in violation of law.

(f) Code enforcement is complex and, therefore, there is a need for many tools, including fines, to help and maintain an effective, efficient, and responsive enforcement of codes.

(g) The code enforcement staff of cities and counties have expressed a need for increased fines and that any increase should provide uniformity among cities and counties.

SEC. 2. Section 25132 of the Government Code is amended to read:

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. ~~Such a violation~~ *The violation of a county ordinance* may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding ~~two hundred dollars (\$200)~~ *one hundred dollars (\$100)* for a first violation; (2) a fine not exceeding ~~four hundred dollars (\$400)~~ *two hundred dollars (\$200)* for a second violation of the same ordinance within one year; (3) a fine not exceeding ~~one thousand dollars (\$1,000)~~ *five hundred dollars (\$500)* for each additional violation of the same ordinance within one year.

(c) *Notwithstanding any other provision of law, a violation of local building and safety codes is punishable by (1) a fine of one hundred dollars (\$100) for a first violation; (2) a fine of five hundred dollars (\$500) for a second violation of the same ordinance within one year; (3) a fine of one thousand dollars (\$1,000) for each additional violation of the same ordinance within one year.*

SEC. 3. Section 36900 of the Government Code is amended to read:

36900. (a) Violation of a city ordinance is a misdemeanor unless by ordinance it is made an infraction. ~~Such a violation~~ *The violation of a city ordinance* may be prosecuted by city authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding ~~two hundred dollars (\$200)~~ *one hundred dollars (\$100)* for a first violation; (2) a fine not exceeding ~~four hundred dollars (\$400)~~ *two hundred dollars (\$200)* for a second violation of the same ordinance within one year; (3) a fine not exceeding ~~one thousand dollars (\$1,000)~~ *five hundred dollars (\$500)* for each additional violation of the same ordinance within one year.

(c) *Notwithstanding any other provision of law, a violation of local building and safety codes is punishable by (1) a fine of one hundred dollars (\$100) for a first violation; (2) a fine of five hundred dollars (\$500) for a second violation of the same ordinance within one year; (3) a fine of one thousand dollars (\$1,000) for each additional violation of the same ordinance within one year.*